

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 09-CA-154347

**AMERICAN POSTAL WORKERS UNION,
DAYTON, LOCAL 252, AFL-CIO**

DECISION AND ORDER

On February 1, 2016, the United States Postal Service (the Respondent), American Postal Workers Union, Dayton, Local 252, AFL-CIO (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals.¹ The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.²

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

¹ Administrative Law Judge Donna N. Dawson approved the Formal Settlement Stipulation on February 1, 2016.

² We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates facilities throughout the United States in the performance of that function, including its Dunbar facility at 4323 W. 3rd St., Dayton, Ohio 45417, a branch of the Dayton, Ohio main installation and the only facility involved in this proceeding.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

2. The labor organization

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Dayton, Ohio, its officers, agents, successors, and assigns, shall

1. Cease and desist from:

(a) Refusing to bargain in good faith with the Union by refusing to provide, or unreasonably delaying in providing, the Union with information that is relevant and necessary for it to fulfill its role as the collective-bargaining representative of the Respondent's employees in the following unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time maintenance employees, motor vehicle employees, postal clerks, mail equipment shop employees, material distribution centers employees, and operating services and facilities Services employees; but excluding, all managerial and supervisory employees, all professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, all security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, and all rural letter carriers, mail handlers and letter carriers.

(b) In any like or related manner interfering with, restraining or coercing its employees in the exercise of their rights guaranteed in Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Furnish the Union with the information it requested on March 13, March 23, and May 6, 2015, seeking witness interviews and/or statements.

(b) Within 14 days of service by the Region, post the attached notice at its facility at 4323 W. 3rd St., Dayton, Ohio 45417. Copies of the notice, on forms provided by Region 9, after being signed by Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days at the facility's bulletin boards, the employees' time clocks or in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by mail, posting on an intranet or internet site, and/or electronic means, if the Respondent customarily communicates with the employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notices to all current employees and former employees employed by the Respondent at that facility any time since March 13, 2015.

(c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., April 13, 2016.

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

The National Labor Relations Board has ordered us to post and abide by this notice.

In order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify you that:

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

American Postal Workers Union, Dayton Area, Local 252, AFL-CIO (Union) is the employees' representative in dealing with us regarding wages, hours and other working conditions of the employees in the following unit:

All full-time and regular part-time maintenance employees, motor vehicle employees, postal clerks, mail equipment shop employees, material distribution centers employees, and operating services and facilities Services employees; but excluding, all managerial and supervisory employees, all professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, all security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, and all rural letter carriers, mail handlers and letter carriers.

WE WILL NOT unreasonably delay in providing the Union with information that is relevant and necessary to its role as your bargaining representative, including information necessary to process grievances filed by Angela Lyons.

WE WILL NOT refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative, including information necessary to process grievances filed by Angela Lyons.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you under Section 7 of the Act.

WE HAVE provided the Union with the following information it requested on May 6, and May 8, 2015.

- 1) A copy of the notice of removal issued and management's response.
- 2) A copy of the PDI.
- 3) Supervisor's request for discipline or discipline proposal.
- 4) Any/all previous discipline and settlements for the grievant.

WE WILL provide the Union with the information it requested on March 13, March 23, and May 6, 2015, seeking witness interviews and/or statements.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/09-CA-154347 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

